



Mr. Chairman and members of the committee, thank you for allowing Natural Selection Foods the opportunity to be a part of the important discussion about food safety in this country. We are pleased to cooperate with the subcommittee's investigation and this hearing. My name is Charlie Sweat and I am President of the company.

Before proceeding, I want to say that everyone in our company remains deeply saddened by the human toll the outbreak has wrought. We are a company founded on a commitment to providing the healthiest food possible. To learn that food processed by us could have brought anything other than good health was devastating.

Natural Selection Foods, based in San Juan Bautista, CA, was formed in 1995 when the founders of popular organic produce brand Earthbound Farm (founded in 1984) partnered with 3rd-generation family farmers Mission Ranches. In 1999, Tanimura & Antle, another longtime family-run farming company, became a 1/3 partner in the company.

On September 14th, we received a call from the Food and Drug Administration (FDA) and California Department of Health Services (CDHS) that there was an outbreak of *E. coli* linked to fresh spinach. (For purposes of this hearing, when I say *E. coli*, I mean



O157:H7 unless otherwise noted.) We were shocked to learn that some of our products might be involved. Within 24 hours, at the suggestion of the investigators, we voluntarily recalled all products containing spinach under all brands packaged in our facilities, based on patient recollection. Five days later, lab tests would confirm the presence of matching *E. coli* in a bag of non-organic spinach that we packaged.

Our company's long-standing policy has been to provide open access to government regulators and investigators. Once we were provided with manufacturing codes from bags of spinach in which the outbreak strain was found, we were able, within hours, to trace back to the ranches that provided that spinach. Throughout the investigation, we have been cooperative, available, and open, working round the clock with the FDA and CDHS investigators to assist and support their work. Investigators had access to our staff, our facility and our records. From day one, we have been as eager as anyone could be to understand where the problem originated and how this could have happened.

Recently the FDA and CDHS released a joint report on the incident. The report clearly states that no specific transmission vehicle has been identified, but the report's findings point to what we believed from the beginning: the contamination appears to have been somehow linked to the natural environment in which the spinach was grown. Samples



matching the outbreak strain were found on a cattle ranch, just under a mile from where the spinach was grown, but never on the spinach field itself.

Prior to the outbreak, Natural Selection Foods' protocols met or exceeded industry best-practices, including FDA suggested *Good Agricultural Practices* and even the FDA's very-recently issued *Guide to Minimize Microbial Food Safety Hazards of Fresh-cut Fruits and Vegetables*. We follow *Good Manufacturing Practices* (GMP) as outlined in the Code of Federal Regulations which are verified by daily audits. Further, we participate in the USDA's *Qualified through Verification* program — a voluntary program of unannounced inspections for fresh-cut processors that verifies the strict *Hazard Analysis Critical Control Point* (HACCP) program we follow in our facilities. Participation in QTV requires that our facilities are inspection-ready every day — a demand far more rigorous than what is called for by programs whose inspection schedules are known in advance.

In addition, as we constantly strive to improve food safety on every front, we have worked in research and development for more than three years to perfect a laser sorter that identifies and removes foreign objects in our product stream (such as roots, twigs, rocks). This industry leading, cutting edge technology had recently been installed in our



facility. Following the laser sorting, the greens are thoroughly washed in agitating chilled, chlorinated water and every package is passed through a metal detector.

Our experience strengthens our resolve to challenge the thinking about food safety in produce and develop new protocols that significantly heighten the safety of our products. Our efforts in this regard started almost immediately. While simultaneously working collaboratively with FDA and CDHS investigators and coordinating our recall, we've worked tirelessly with some of the top scientists in the country to completely reinvent what state-of-the-art food safety means in fresh produce.

We've also worked with independent researchers who had been dealing aggressively and successfully with the problems of E. coli in food. Dr. Mansour Samadpour of IEH Laboratories, one of the country's top food safety scientists, has worked extensively with the beef industry in improving safety protocols and reducing outbreaks associated with beef; he has become a valuable consultant to our operations. In addition, we have established a food safety advisory panel consisting of some of the premier food safety scientists in the country, including top academics from the University of Georgia, Rutgers, and U.C. Davis. They are working with us in the development and implementation of the strongest food safety, integrity, and quality measures possible,



exceeding anything in place today and setting a new standard for the fresh-cut produce industry.

Within two weeks of the recall, we had launched an unprecedented program of pathogen-specific testing in all of our raw, leafy greens. We lab-test all salad greens arriving at our facility for potentially illness-causing *E. coli* and *salmonella*. All greens are held until the tests are completed and only those greens that show no presence of these pathogens are released for processing.

In February, we launched a finished product testing program as a final hurdle, following the same protocol as our raw product test and hold program. We believe that this kind of testing is a key safety measure for produce that will be consumed raw, since cooking is the only proven kill step for *E. coli*.

Natural Selection Foods has also signed on to the California Department of Food & Agriculture's (CDFA) new *Leafy Green Handler Marketing Agreement*. The intent of this agreement is to verify and certify that signatories are following industry guidelines for leafy greens production, using a USDA-designed inspection program in use around the country for other commodities, and CDFA inspectors. Companies who have signed on agree to purchase leafy greens only from growers who follow the accepted set of *Good*



Agricultural Practices (GAPs). This is a good, first step for our industry, demonstrating that as an industry we are committed to improving food safety.

However, the GAP Metrics accepted by the Leafy Greens Marketing Agreement Board, in their current form, are not enough. Much more needs to be done and we will continue to work actively within the industry and with regulators to encourage the development of standards that provide the strongest level of food safety possible. We welcome regulation in this arena, but also believe strongly that with or without regulation, it is incumbent upon the individual companies and our industry as a whole to act to improve food safety. Private industry can and should move faster than the regulatory process. We have demonstrated that at Natural Selection Foods.

Everyone at Natural Selections Foods cares deeply about this outbreak and its victims and is committed to solving this vexing problem. We have faced many challenges in our 23 years, but none as great or important as this. As terrible as the outbreak's effects have been for many, we believe that good can be extracted from it – that as a country and as an industry we must share a renewed focus on food safety and an unrelenting commitment to find solutions to this difficult problem.



Again, we appreciate the opportunity you have given us to be a part of this important discussion today.